

## REMARKS

Applicant has further amended the claims to place the application into condition for allowance.

Claim 1 was further amended as suggested by the Examiner, deleting the words "An indene derivative" and substituting "A compound". In addition, the limitations of "pyridine-2-yloxy" and "adamantly" have been deleted from claim 1 as requested by the Examiner.

Claims 2 and 3 have been further amended to correct typographical errors.

Claim 4 has been amended into an independent claim and the word "and" added after "compound 104" as suggested by the Examiner.

Claim 5 has been amended to correct typographical errors.

Claims 6-11 have been amended to correct typographical errors as suggested by the Examiner.

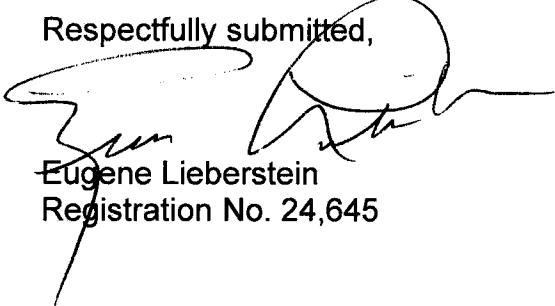
Claim 12 has also been amended, deleting the words "receptors (PPARs)" and substituting "receptor gamma sub type" as suggested by the Examiner.

Applicant believes that the amendment of claim 12, permits Applicant to retain the word "modulating", which the Examiner objected to. However, with claim 12 amended as suggested by the Examiner, the word "modulating" is supported in the application.

**CONCLUSION**

Accordingly, Applicant believes the claims have been amended to comply with the request of the Examiner and the application is now believed to be in condition for allowance.

Respectfully submitted,



Eugene Lieberstein  
Registration No. 24,645

Dated: October 16, 2009

Customer # 79681  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, NY 10111  
Tel: 212-589-4634 / Fax: 212-589-4201

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this Amendment is being submitted via EFS-Web to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on October 16, 2009.

By   
Audrey de Souza